

## **R E M A R K S**

Claims 1-12 and 14-31 are pending in the application. Claim 1 has been amended. Claim 13 has been cancelled. Claims 32-58 are withdrawn. No new matter has been added by this amendment.

Applicant respectfully submits that the present application is now in condition for allowance. Accordingly, reconsideration and allowance of the present application are respectfully requested.

### **Claim Amendments**

Independent claim 1 has been amended.

Support for the amendment to independent claim 1 is found, for example, at one or more portions of specification page 8, lines 25-26; page 10, lines 10-12 and original claim 13.

No new matter has been added.

### **Claim Rejections – 35 USC §103(a)**

The Office Action rejects claims 1-31 under 35 U.S.C. § 103(a) as being unpatentable over powerbuyerservice.com in view of US Patent Application Publication No. 20010037205 (Joao).

Regarding claim 1, the Office Action states that:

Powerbuyerservice teaches receiving initial information about a customer for the first part referral source; identifying second party (service provider) to which to provide the information; providing the second party with the information; receiving updates information regarding said customer (see page 26, also applicant's background page). Powerbuyer service does not teach determining compensation owned by said second party based on at least in part on said updated information and receiving the compensation. Joao teaches the Merchant computer can transmit any

and/or all transaction data and/or information such as commissions and/or referral fees due, and/or commissions and/or referral fees paid to, the Content Providers who or which utilize the apparatus of the present invention([0002], [009]-[0014], [0022], [0073]). It would have been obvious to one of ordinary skill in the art at the time of the invention to implement Joao's referral and commission tracking system so that the referral service provider of Powerbuyerservice can be paid for the service of referring customers, a[s] taught by Joao (see [0073]).

(Office Action, page 2, line 12-page 3, line 3)

Reconsideration and withdrawal of the rejections are respectfully requested.

#### Claim 1

Independent claim 1 has been amended.

Independent claim 1 now recites a method for facilitating multiparty communication regarding leads, comprising: receiving initial information regarding a customer lead from a first party, wherein the initial information identifies a service and the first party is a referral source; after receiving the initial information, identifying a second party that can provide the service and to which to provide at least a portion of the initial information; providing at least a portion of said initial information to said second party; receiving updated information regarding said customer lead from said second party; and determining compensation owed by said second party based, at least in part, on said updated information.

Neither the PowerBuyer Service Benefits document (1 page), nor the PowerBuyer Service Brochure (6 pages), nor Applicant's background, nor Joao nor any combination proposed in the Office Action teaches or suggests the method recited in claim 1.

The Power BuyerService Benefits document states that PowerBuyer is a Preferred Provider program facilitated by GE Capital Real Estate (lines 2-3). The document further states that PowerBuyer contracts with national vendors who provide products/services to owners and operators of commercial properties (lines 3-5) - "[s]imply register your company and our Preferred Provider can all be accessed through one point of contact - our 800#" (lines 18-19).

The PowerBuyer Service Brochure discloses a list of services (page 2), a list of vendors (page 3-5) and a list of PowerBuyer successes (page 6, lines 1-28).

Applicant's background states that as part of a conventional sales and marketing strategy, a company may use telemarketers, call centers, marketing agents etc. to generate leads for the company. A lead may indicate a contact name, address, telephone number, etc. of a potential customer. A salesperson or other representatives of the company may then contact the potential customer or otherwise follow up with the potential customer.

Applicant's background further states that in some prior art systems, a business may operate a referral center, network, World Wide Web ("Web") site, or other device or entity which a customer may contact or otherwise interact with to look for information regarding one or more services the customer is interested in receiving or learning more about. The customer may then provide information to the device or entity and/or request that the device or entity forward information regarding the customer onto one or more service providers. For example, the Web site provided at [www.powerbuyerservice.com](http://www.powerbuyerservice.com) allows a customer to select one or more service providers that the customer is interested in learning about and then informs the relevant service providers of the customer's interest. At this point, the Web site has limited, if any, ability to track use of the information by the service providers. In addition, requests from the Web site to a service provider is dependent on the request of a customer (page 1, lines 20-23).

However, neither the PowerBuyer Service Benefits document, nor the PowerBuyer Service Brochure, nor Applicant's background, nor any combination thereof proposed in the Office Action teaches or suggests a method that includes the combination of receiving initial information regarding a customer lead from a first party, wherein the initial information identifies a service and the first party is a referral source; and after receiving the initial information, identifying a second party that can provide the service and to which to provide at least a portion of the initial information, as recited in claim 1.

Furthermore, neither the PowerBuyer Service Benefits document, nor the PowerBuyer Service Brochure, nor Applicant's background, nor any combination thereof proposed in the Office Action, teaches or suggests a method that includes the combination of receiving updated

information regarding said customer lead from said second party; and determining compensation owed by said second party based, at least in part, on said updated information, as recited in claim 1.

Joao discloses an apparatus and method for effectuating an affiliated marketing relationship (title), and, in particular, an apparatus and a method for effectuating, for providing, and/or for facilitating, an affiliated marketing relationship which can provide for the monitoring, the tracking, and/or the management, of marketing relationships, referral relationships, and/or other commerce-related affiliated marketing relationships and/or activities (para 0009). According to Joao, the apparatus and method can also be utilized in a network environment and/or otherwise in any other suitable environment (para 0009).

Joao further discloses an apparatus and method for allowing entities of any kind or type to enter into affiliated marketing relationships, whereby one or more entities refers individuals and/or users to merchants or vendors in order to facilitate a sale and/or a transaction involving the goods and/or services which are provided by the merchant or vendor (para 0010). According to Joao, the apparatus and method can also facilitate the data processing and/or other processing and/or communication activities between any of the respective parties for ensuring that a marketing affiliation satisfies and/or fulfills the needs and/or obligations of all of the parties involved in an affiliated marketing arrangement and/or relationship (para 0011). The apparatus and method can also monitor and/or track an individual consumer's activities, including the web sites and/or links which the individual respectively visited, utilized, and/or navigated through, so as to be brought into contact with the merchant and/or vendor, and further, to monitor which web sites and/or links should be credited with facilitating a transaction and/or a consummated deal (para 0012). The apparatus can include a User computer, which can be associated with a User, in order to engage, locate, find, buy, purchase, and/or otherwise engage in commerce involving any goods and/or services which can be obtained via the apparatus. Any number of User computers can be utilized with the apparatus (para 0013).

According to Joao, the apparatus can also include a Content Provider computer, which can be associated with a Content Provider, for providing information and/or other content to a

respective User, along with providing links to various merchants, sellers, vendors, marketers, and/or other parties and/or entities described in Joao. Any number of Content Provider computers can be utilized with the apparatus (para 0014). The apparatus can also include a Merchant computer, which is associated with any of the merchants, sellers, vendors, marketers, and/or any other parties and/or entities, which sell or provide goods and/or services in commerce via the apparatus. Any number of Merchant computers can be utilized with the apparatus (para 0015). According to Joao, the apparatus can also include a central processing computer for providing services to any of the parties which utilize the invention (para 0016).

Joao further discloses that the various User computers, Content Provider computers, and Merchant computers, can engage in bi-directional communication with every other computer described in Joao. Each of the computers can include associated and/or suitable central processing units (CPUs), Random Access Memories (RAMs), Read Only Memories (ROMs), databases, user input devices, output devices, transmitters, receivers, and/or any other hardware and/or software which may be necessary and/or which may be desired in order to perform the operations and functionality described in Joao (para 0017).

According to Joao, the apparatus and method can be utilized so as to facilitate, an affiliated marketing relationship and/or program. A Content Provider's computer or web site can provide advertisements containing embedded links to a Merchant's computer or web site. When a User accesses the Content Provider's computer or web site, he or she can link to the Merchant's computer or web site via an advertisement banner, text, icon, logo, and/or other advertisement (para 0018). The link can be a direct link, or an indirect link, to the Merchant's computer or web site. Once a User clicks on or selects an advertisement, the User can be linked to the Merchant's computer or web site. During the linking process, data and/or information which identifies the User, the Content Provider and/or Content Provider computer or web site, and/or any other pertinent data and/or information, can be transferred to the Merchant computer or web site in order to identify the referring Content provider as well as the User, if desired (para 0019). If the User thereafter makes a purchase from, and/or enters into and/or completes a transaction with, the Merchant's computer or web site, the Merchant computer will determine and/or calculate a commission and/or referral fee which is due the referring Content Provider pursuant to an

agreement between the respective parties and/or pursuant to industry practice(s) (para 0020). According to Joao, the apparatus can also be utilized to administer and/or to manage financial accounts for any one or more of the respective Merchants and/or Content Providers described in Joao. The apparatus can also administer and/or manage financial accounts for any one or more of the Users and/or the central processing computers described in Joao. The apparatus can also facilitate and/or effect financial transfers between any of the financial accounts administered and/or managed by the apparatus and method (para 0021). The apparatus can also be utilized in conjunction with a central processing computer or clearinghouse computer. In this embodiment, the Merchant computer can transmit any and/or all transaction data and/or information described in Joao, such as commissions and/or referral fees due, and/or commissions and/or referral fees paid to, the Content Providers who or which utilize the apparatus. The Merchant computer can also transmit data and/or information regarding the User, the Content Provider, the number of referrals obtained from a Content Provider and/or the number of referrals from the Content Provider which resulted in a sale or other consummated transaction (para 0022).

Joao further discloses that the central processing computer 40 includes a database (not shown) which can store Merchant advertisements and/or advertising information. The merchant advertisement and/or advertising information can include advertisements which the Merchant wishes to offer to the various Content Providers. These advertisements and/or advertisement information can include advertisement modules which can contain banner, logo, icon, and/or text advertisement information along with embedded code(s) for providing links to, and/or for linking to, the respective Merchant computer 30 or web site. These advertisement modules can be downloaded from the central processing computer 40 to a Content provider computer 20, via the Internet, the World Wide Web, and/or other communication network, and can be placed on the Content Provider's computer 20 and/or web site (para 0127). The database can also contain contact information for any of the respective Merchants along with criteria and/or events, the occurrence of which they desire to be notified. These criteria, events and/or occurrences, can include, but not be limited to, the availability of advertising space by a certain Content Provider(s), changes in prices of advertising space, changes in terms and/or conditions for advertising space, the effected payment of a commission and/or referral fee to a Content

Provider, and/or any other event(s) or occurrence(s) which may be of interest to a Merchant (para 0130). The database can also include data and/or information concerning the past success rates for a particular advertisement(s), as well as success rates for particular Content Providers, and/or for particular Merchants. The database can also contain any other data and/or information for providing and/or for facilitating any of the functions and/or services described in Joao as being performed by the apparatus and method, the User computers 10, the Content provider computers 20, the Merchant computers 30, and/or the central processing computers 40 (par 0133).

According to Joao, any of the described Merchants, Content Providers, Users and/or operators of the central processing computer 40, can enter requests for receiving notification for any pre-defined event or occurrence, and/or can enter any other criteria for receiving notification, into the central processing computer 40, via any of their respective computers. Notification requests can be effected in real-time and/or otherwise (para 0134). Any and/or all of the data and/or information which is stored in the database can be entered and/or can be updated in real-time and/or otherwise (para 0135). In any and/or all of the embodiments described in Joao, any and/or all of the data and/or information can be transmitted by and between any of the respective User computers 10, the Content Provider computers 20, the Merchant computers, and/or the central processing computers 40. These transmissions and/or communications which take place between any of the respective computers 10, 20, 30 and/or 40, can be transmitted and/or can occur in real-time and/or otherwise. Further, in any and/or all of the embodiments described in Joao, any of the described data and/or information which is described as being transmitted from, to, and/or between, any of the respective computers and/or parties, can be in the form of, or as part of electronic mail (e-mail) messages, electronic message transmissions, electronic notification transmissions, telephone calls, facsimile transmissions, beeper and/or pager transmissions and/or messages, and/or via any other mode of communication (0136).

Joao further discloses that in any and/or all of the embodiments described in Joao, any of the data and/or information stored in the database of the central processing computer 40 can be accessed by any one or more of the respective Users and/or User computers 10, the Content Providers and/or Content Provider computers 20, and/or the Merchants and/or Merchant computers 30, in real-time and/or otherwise. Further, the purchase and/or sale of any of the Joao-

described advertisements can be performed, via the central processing computer 40, in real-time and/or otherwise (0137). In another preferred embodiment, any of the respective Merchant computers 30, Content Provider computers 20, and/or central processing computers 40, can provide electronic notification to the respective parties and/or entities, of deposits into, withdrawals from, and/or any other transactions involving, any of the financial accounts which are associated with any of the Merchants, Content Providers, and/or central processing computer operators, whether or not the respective financial accounts are administered and/or managed by the apparatus 100, 200, and/or any of the respective Merchant computers 30, Content provider computers 20, and/or central processing computers 40. A respective party can also access any of the respective Merchant computers 30, Content provider computers 20, and/or central processing computers 40, and program the respective computer(s) so as to restrict and/or limit account activity (0138).

According to Joao, in any and/or all of the embodiments described in Joao, the apparatus and method can be implemented with general purpose computers and/or network computers, and suitable communication equipment, along with respective modular software packages which facilitate the operation of each of the respective computers 10, 20, 30, and 40 in performing their respective functions and/or functionality (para 0151).

Joao further discloses that in another preferred embodiment, as well as in any of the embodiments described in Joao, intelligent agents, software agents, mobile agents, and/or related technologies, can be utilized in conjunction with the invention. The respective intelligent agent(s), software agent(s), mobile agent(s), (hereinafter referred to collectively as "intelligent agent" or "intelligent agents") can be programmed and/or designed to act on behalf of the respective Users, Content Providers, Merchants, and/or central processing computer operators, and/or the respective computers 10, 20, 30 and/or 40 (para 0152). The intelligent agent can act on behalf of the respective party or parties in various related transactions, interactions, and/or other activities, which are described as being performed in Joao and/or which may be incidental to and/or which may be related thereto. Therefore, an agent-based apparatus and method for effectuating an affiliated marketing relationship is also provided (para 0153).



According to Joao, an apparatus and method for receiving and/or for storing various affiliated marketing data and/or information which can provide valuable market, market research, and/or marketing, data and/or information, which can or may be utilized by various parties in finding and/or identifying suitable affiliated marketing counterparts and/or suitable affiliated marketing relationships. The market, market research, and/or marketing, data and/or information, can be utilized by a Merchant(s) to find and/or to identify a suitable Content Provider(s) and/or according to Joao, the invention can be utilized by a Content Provider(s) so as to find and/or to identify a suitable Merchant(s) (para 0161).

However, as with the PowerBuyer Service Benefits document, the PowerBuyer Service Brochure and Applicant's background, Joao does not teach or suggest a method that includes the combination of receiving initial information regarding a customer lead from a first party, wherein the initial information identifies a service and the first party is a referral source; and after receiving the initial information, identifying a second party that can provide the service and to which to provide at least a portion of the initial information, as recited in claim 1.

Nor does any combination proposed in the Office Action teach or suggest a method that includes the combination of receiving initial information regarding a customer lead from a first party, wherein the initial information identifies a service and the first party is a referral source; and after receiving the initial information, identifying a second party that can provide the service and to which to provide at least a portion of the initial information, as recited in claim 1.

Independent claim 1 should therefore be allowed.

#### Dependent claims

Claims 2-12 and 14-31 depend from independent claim 1 and therefore should be allowed for at least the reasons set forth above with respect to independent claim 1.

## CONCLUSION

For at least the reasons set forth above, Applicant respectfully submits that the present application is in condition for allowance. Accordingly, reconsideration and allowance of the present application are respectfully requested.

Because the reasons set forth above are sufficient to overcome the rejections set forth in the outstanding Office Action, Applicant does not address some of the assertions set forth therein and/or other possible reasons for overcoming the rejections. Nonetheless, Applicant reserves the right to address such assertions and/or to present other possible reasons for overcoming the rejections in any future paper and/or proceeding.

If the Examiner believes that a telephone interview would expedite the prosecution of this application in any way, the Examiner is cordially requested to contact the undersigned via telephone at (203) 972-0006, ext. 1014.

Respectfully submitted,

April 27, 2007

Date



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